

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TIWIAN LAQUINN SKIEF,	§	
TDCJ No. 1769917,	§	
	§	
Petitioner,	§	
	§	
V.	§	No. 3:18-cv-226-M
	§	
DIRECTOR, TDCJ-CID,	§	
	§	
Respondent.	§	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE
JUDGE, DENYING NEW MOTIONS UNDER RULES 52 AND 59, AND DENYING
A CERTIFICATE OF APPEALABILITY**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case that the Court should deny Petitioner Tiwian Laquinn Skief's motions under Federal Rules of Civil Procedure 52(b) and 59(e). *See* Dkt. No. 25. An objection was filed by Petitioner [Dkt. No. 28]. The District Court reviewed *de novo* those portions of the proposed Findings, Conclusions, and Recommendation to which objection was made, and reviewed the remaining proposed Findings, Conclusions, and Recommendation for plain error. Finding no error, the Court ACCEPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The Court therefore DENIES Petitioner's motions [Dkt. Nos. 23 & 24], construed as requesting relief under Rule 59(e).

And, although the Court previously denied a certificate of appealability (COA) as to the denial of Petitioner's *pro se* 28 U.S.C. § 2254 application for a writ of habeas corpus, insofar as a COA "is required to appeal the denial of a Rule 59(e) motion in a habeas case," *Mitchell v. Davis*, 669 F. App'x 284, 284 (5th Cir. 2016) (per curiam) (citing *Ochoa Canales v. Quarterman*, 507 F.3d 884, 887-88 (5th Cir. 2007)), considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the Court DENIES a certificate of appealability as to its denial of Petitioner's motions [Dkt. Nos. 23 & 24].

The Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendations filed in this case [Dkt. Nos. 16 & 25] in support of its finding that Petitioner has failed to show that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" or "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Defendant has filed new motions under Rules 52 and 59 and those are denied for the same reasons the original motions are being denied.

But, if Petitioner elects to file a notice of appeal, he must either pay the \$505 appellate filing fee or move for leave to appeal *in forma pauperis*.

SO ORDERED this 12th day of April, 2021.


BARBARA M. G. LYNN
CHIEF JUDGE